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U.S. Bank Tower
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5
6 Counsel for Sam S. Leslie,
Chapter 7 Trustee

7 UNITED STATES BANKRUPTCY COURT
8 CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

9 In re) Case No. 2:21-bk-19076-WB
10 JOSEPH HAMILTON BULLOCK,) Chapter 7
11 Debtor.)
12) NOTICE OF MOTION FOR ORDER
13) AUTHORIZING TRUSTEE TO SELL
14) REAL PROPERTY FREE AND CLEAR
15) OF LIENS AND INTERESTS,
16) SUBJECT TO OVERBID
17)
18) [FILED CONCURRENTLY WITH
19) MOTION FOR ORDER AUTHORIZING
20) TRUSTEE TO SELL REAL PROPERTY
21) FREE AND CLEAR OF LIENS AND
22) INTERESTS, SUBJECT TO OVERBID;
23) MEMORANDUM OF POINTS AND
24) AUTHORITIES; DECLARATIONS IN
25) SUPPORT]
26)
27) DATE: June 9, 2022
28) TIME: 2:00 p.m.
29) CTRM: 1375
30) Roybal Building
31) 255 E. Temple St.
32) Los Angeles, CA 90012
33) (appearances may be made by
34) ZoomGov video and audio or by
35) audio using a telephone)
36)
37)

38 TO THE HONORABLE JULIA W. BRAND, UNITED STATES BANKRUPTCY
39 JUDGE, DEBTOR, DEBTOR'S COUNSEL, THE UNITED STATES TRUSTEE, ALL
40 CREDITORS AND OTHER INTERESTED PARTIES:

41 PLEASE TAKE NOTICE that on June 9, 2022, at 2:00 p.m. in
42 Courtroom 1375 of the United States Bankruptcy Court at 255 East

1 Temple Street, Los Angeles, California 90012, with appearances also
2 allowed via ZoomGov video and audio or by audio using a telephone
3 (with accessibility information posted in the Court's tentative
4 ruling on the hearing calendar at the Court's website), Sam S.
5 Leslie, Chapter 7 Trustee ("Trustee") of the bankruptcy estate (the
6 "Estate") in the above-captioned chapter 7 bankruptcy case (the
7 "Case") of debtor Joseph Hamilton Bullock ("Debtor") shall move
8 this Court for an order approving sale of that certain residential
9 real property commonly known as as 15918 Hornell Street, Whittier,
10 California 90603, identified by Los Angeles, County Assessor's
11 Parcel No. 8231-026-034, with the legal description stated in
12 Exhibit A attached to the Trustee Declaration (defined below) (the
13 "Real Property"), free and clear of any interests and liens
14 pursuant to 11 U.S.C. §§363(b), (f) and (m), and on an "AS-IS,
15 WHERE-IS" basis, with no representations or warranties, to GTS
16 Ventures, LLC ("Buyer") for a sales price of \$750,000.00 (the
17 "Sales Price") through the escrow (the "Sale Escrow") for sale of
18 the Real Property at A&A Escrow Services, Inc. ("A&A") and on the
19 other terms and conditions set forth in that certain California
20 Residential Purchase Agreement and Joint Escrow Instructions as
21 modified by Seller Counter Offer No. 1 dated April 23, 2022 with
22 Addendum to Counter-Offer #1 and Seller's Affirmation of Addendum
23 executed by Trustee and Buyer (collectively, the "Agreement"), or
24 to the highest qualified bidder pursuant to the overbid procedure
25 described below ("Highest Bidder").

26 A true and correct copy of the Agreement is attached as
27 Exhibit B to the Declaration of Sam S. Leslie (the "Trustee
28 Declaration") attached to the Motion for Order Authorizing Trustee

1 to Sell Real Property Free and Clear of Liens and Interests,
2 Subject to Overbid (the "Motion").

3 **A. UNDISPUTED LIENS AND PROPOSED DISBURSEMENTS FROM SALE ESCROW**

4 By the Motion, Trustee also seeks approval and authorization
5 to execute any and all documents necessary to transfer the Real
6 Property from the Estate to Buyer, or to the Highest Bidder, and to
7 pay from the Sale Escrow at A&A the following undisputed liens;
8 real estate broker commission; other ordinary costs of sale; and
9 the net proceeds to Trustee, including the allowed exemption funds:

10 1. the debt secured by the first deed of trust (the "First
11 TD") in the original principal amount of \$349,000.00 recorded
12 February 21, 2008 as instrument no. 20080302775 of Official Records
13 in the Office of the Recorder of Los Angeles County, California
14 ("Official Records") for the benefit of Mortgage Electronic
15 Registration Systems, Inc. as nominee for CitiMortgage, Inc. and
16 currently serviced by SN Servicing Corporation (collectively,
17 "First TD Holder") and with an estimated balance of approximately
18 \$357,030.00 based on a recent payoff statement from First TD
19 Holder, subject to a final payoff demand to be provided to A&A by
20 First TD Holder (the "First TD Payoff"), referred to at exception
21 no. 9 in the Preliminary Title Report dated as of April 21, 2022,
22 identified by order number 1688721 (the "PTR"), prepared by Stewart
23 Title ("Stewart"),

24 2. the debt secured by the state tax lien (the "Tax Lien")
25 in the original amount of \$35,311.29 and other amounts due
26 thereunder recorded September 10, 2020 as instrument no.
27 20201080217 of Official Records with an estimated balance of
28 approximately \$36,861.87 based on claim no. 3 ("Claim No. 3") filed

1 by Franchise Tax Board ("FTB") in the Case, subject to a final
2 payoff demand to be provided to A&A by FTB (the "Tax Lien Payoff"),
3 referred to at exception no. 10 in the PTR,

4 3. pro-rated real property taxes owed to the County of Los
5 Angeles as of the closing date of approximately \$291.90 (the
6 "Property Taxes"),

7 4. seller's closing costs including, but not limited to, the
8 broker commission (the "Broker Commission") of 6% of the Sales
9 Price of \$750,000.00 (\$45,000.00) to be divided with 3% to Rodeo
10 Realty, Inc. ("Estate Broker") and 3% to Ernest Real Estate
11 Advisors ("Buyer Broker"); seller's portion of the other closing
12 costs comprised of city and county transfer taxes, escrow fees and
13 charges, title fees and charges, recording fees, and required
14 reports (collectively, the "Other Closing Costs") (estimated to be
15 approximately \$4,840.00), and

16 5. the net proceeds from the Sale Escrow (the "Net Proceeds")
17 to Trustee, on behalf of the Estate, estimated at approximately
18 \$305,976.23, including Debtor's allowed exemption funds in the
19 amount of \$29,275.00 claimed by Debtor in his amended schedule C
20 [dkt. no. 26] (the "Exemption Funds") with the first \$5,000.00 of
21 the Exemption Funds to be paid to Debtor when Trustee receives the
22 Net Proceeds and the balance of \$24,275.00 when Buyer confirms in
23 writing that Debtor has vacated the Real Property within 30 days of
24 the closing date of the Sale Escrow.

25 To the extent there are other debts secured by valid,
26 enforceable liens recorded against the Real Property, if any, the
27 sale shall be free and clear of such liens and such liens shall
28 attach to the Net Proceeds in the amount, validity, and order of

1 priority that existed as of the closing date of the Sale Escrow.
2 Trustee is informed based on his investigation and the PTR that
3 there are no such valid, enforceable liens. Trustee reserves the
4 right to object to and dispute any and all such liens.

5 **B. UNSECURED CLAIMS**

6 The claims bar date in the Case was May 11, 2022 (the "Claims
7 Bar Date"). According to the claims register in the Case (the
8 "Claims Register") the total amount of priority and general
9 unsecured claims in the Case is \$166,033.09. Trustee estimates,
10 based on the Claims Register and assuming there are no unexpected
11 circumstances, that creditors holding allowed, timely-filed
12 unsecured claims will be paid a meaningful distribution that is
13 anticipated to be more than 50% at the conclusion of the Case.

14 **C. EXEMPTION FUNDS**

15 Debtor claimed the Exemption Funds in the amount of \$29,275.00
16 in his amended schedule C [dkt. no. 26]. The Exemption Funds are
17 part of the Net Proceeds to be paid to Trustee. Based on the
18 Agreement, Buyer is allowing Debtor up to 30 days after the close
19 of the Sale Escrow to vacate the Real Property. Upon Buyer's
20 confirmation in writing to Trustee that Debtor vacated the Real
21 Property, Trustee will release the Exemption Funds to Debtor.

22 **D. FINDING OF GOOD FAITH PURCHASER**

23 Trustee requests that the Sale Order include a finding that
24 Buyer or Highest Bidder, and any approved back-up buyer, is a "good
25 faith purchaser" pursuant to Bankruptcy Code §363(m).

26 **E. PROPOSED OVERBID PROCEDURE**

27 Trustee proposes the following overbid procedure be used at the
28 hearing on the Motion (the "Hearing") for the purpose of considering

1 bids and seeks the Court's approval of the overbid procedure:

2 A. Each potential bidder (other than Buyer) in order to
3 qualify as a bidder at the Hearing, shall

4 (1) submit to Trustee, prior to the commencement of the
5 Hearing, a cashier's check in the amount of Twenty-Five Thousand and
6 no/100 Dollars (\$25,000.00) (the "Earnest Money Deposit") made
7 payable to "A&A Escrow." Trustee shall refund the Earnest Money
8 Deposit if Trustee accepts the bid of another bidder;

9 (2) bid on the identical terms as, or better terms than, Buyer
10 as set forth in the Agreement including, but not limited to, (a)
11 the "AS-IS, WHERE-IS" condition of the Real Property, with no
12 contingencies, (b) the term allowing debtor up to 30 days to vacate
13 the Real Property after close of the Sale Escrow, and (c) that
14 Trustee shall have no obligation to deliver the Real Property vacant
15 either before or after the close of the Sale Escrow;

16 (3) submit to Trustee prior to the commencement of the Hearing
17 proof of ability to close escrow unconditionally on or before the
18 first business day that is at least fifteen (15) days after entry
19 of the Sale Order, and to tender the balance of any bid made by such
20 bidder, such proof to be deemed acceptable or unacceptable by
21 Trustee in his sole discretion, subject to approval by the Court;
22 and

23 (4) attend the Hearing, whether in-person, via ZoomGov, or by
24 telephone, to participate in the overbidding; and

25 B. The initial overbid shall be a total of \$755,000.00, i.e.,
26 \$5,000.00 more than the Sales Price of \$750,00.00, and all
27 additional overbids must be made in minimum increments of \$1,000.00
28 over the last stated overbid made on the record.

1 Upon entry of the Sale Order, the earnest money deposit of
2 Highest Bidder shall be non-refundable. If Highest Bidder fails to
3 close the Sale Escrow on or before the first business day that is
4 at least fifteen (15) days after entry of the Sale Order, Highest
5 Bidder shall forfeit its earnest money deposit to Trustee without
6 the necessity of a further order of the Court and further
7 instructions to A&A, and the next highest bidder shall pay the next
8 highest bid to purchase the Real Property within ten business days
9 of written notification, transmitted via facsimile and/or e-mail,
10 of Highest Bidder's default. If the next highest bidder fails to
11 tender the balance of the next highest bid within ten business days
12 of written notification, next highest bidder shall forfeit its
13 earnest money deposit to Trustee without the necessity of a further
14 order of the Court and further instructions to A&A.

15 **F. SALE MOTION**

16 The Motion is made pursuant to Bankruptcy Code §§363(b), (f) and
17 (m), Rule 2002(a)(2) of the Federal Rules of Bankruptcy Procedure,
18 and Local Bankruptcy Rule ("LBR") 9013-1(a).

19 You can obtain a full copy of the Motion, including the
20 Memorandum of Points and Authorities and Declarations in Support,
21 from the Clerk of the United States Bankruptcy Court, 255 East
22 Temple Street, Los Angeles, California, or by contacting Trustee's
23 counsel at the telephone number, facsimile number, e-mail and/or
24 address at the top of page one of this notice.

25 **G. DEADLINE FOR OPPOSITION PAPERS**

26 The Motion is being heard on regular notice pursuant to LBR
27 9013-1. LBR 9013-1(h) provides: "If a party does not timely file
28 and serve documents, the court may deem this to be consent to the

1 granting or denial of the motion, as the case may be." LBR 9013-
2 1(f) requires a written response to be filed with the Court and
3 served on the moving party and the U.S. Trustee not later than 14
4 days before the Hearing.

5 **H. SELF-CALENDARING HEARING DATE**

6 The undersigned verifies that the hearing date and time in this
7 Notice were obtained pursuant to, and were available for this type
8 of motion according to, Judge Brand's self-calendaring procedures.

9 **I. HEARING DETAILS**

10 The Court will conduct the Hearing in Courtroom 1375 but
11 parties may attend the Hearing using ZoomGov. Video and audio
12 connection information for the Hearing will be provided on Judge
13 Brand's publicly posted hearing calendar, which may be viewed online
14 at the Court's website, and then selecting "Judge Brand" from the
15 tab on the left-hand side of the page.

16 Hearing participants and members of the public may view and/or
17 listen to hearings before Judge Brand using ZoomGov free of charge.
18 Individuals may appear by ZoomGov video and audio using a personal
19 computer (equipped with camera, microphone and speaker), or a
20 handheld mobile device (such as an iPhone). Individuals may
21 participate by ZoomGov audio only using a telephone (standard
22 telephone charges may apply). Neither a Zoom nor a ZoomGov account
23 are necessary to participate and no pre-registration is required.
24 The audio portion of each hearing will be recorded electronically
25 by the Court and constitute its official record.

26 Important: All persons are strictly prohibited from making any
27 recording of court proceedings, whether by video, audio,
28 "screenshot," or otherwise. Violation of this prohibition may result

1 in the imposition of monetary and non-monetary sanctions. The Clerk
2 of the Court maintains an audio recording of all proceedings, which
3 recording constitutes the official record of those proceedings.

4 DATED: May 19, 2022 ZAMORA & HOFFMEIER,
5 A Professional Corporation

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7 By: /s/Nancy Hoffmeier Zamora
8 Nancy Hoffmeier Zamora
9 Attorneys for Chapter 7 Trustee
Sam S. Leslie

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

U.S. Bank Tower, 633 West 5th Street, Suite 2600, Los Angeles, CA 90071

A true and correct copy of the foregoing document entitled (*specify*):

NOTICE OF MOTION FOR ORDER AUTHORIZING TRUSTEE TO SELL REAL PROPERTY FREE AND CLEAR OF LIENS AND INTERESTS, SUBJECT TO OVERBID

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On May 19, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

U.S. Trustee: United States Trustee, ustpregion16.la.ecf@usdoj.gov

Trustee: Sam S. Leslie, sleslie@trusteeleslie.com, trustee@trusteeleslie.com, C195@ecfcbis.com

Trustee's Counsel: Nancy H. Zamora, zamora3@aol.com

Debtor's Counsel: Brad Weil, bfweil@justbradlegal.com, brad@ecf.courtdrive.com, frontdeskweillaw@gmail.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On May 19, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor: Joseph Hamilton Bullock, 15918 Hornell St., Whittier, CA 90603

Trustee's CPA: LEA Accountancy, LLP, 1130 S. Flower Street, Suite 312, Los Angeles, CA 90015

Estate Broker: John Gould and Zizi Pak, Rodeo Realty, Inc., 202 N. Canon Dr., Beverly Hills, CA 90210

Escrow: Antonia Delgado, A&A Escrow Services, Inc., 415 N. Crescent Drive, Suite 320, Beverly Hills, CA 90210

Title: Mindy Beckham, Stewart Title of California, Inc., 2801 Townsgate Rd., # 111, Westlake Village, CA 91361

Buyer: GTS Ventures, LLC, c/o Roman Martin, Evernest Real Estate Advisors, 20 E. Colorado Blvd., Suite 203, Pasadena, CA 91105

U.S. Trustee: Office of the United States Trustee, 915 Wilshire Blvd., Suite 1850, Los Angeles, CA 90017

Judge: The Honorable Julia W. Brand, U.S. Bankruptcy Court, 255 E. Temple Street, Suite 1382, Los Angeles, CA 90012

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method

for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on May 19, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 19, 2022

Date

Cynthia Casas

Printed Name

/s/ Cynthia Casas

Signature

Additional Service List for Notice

AT & T
P.O. Box 5014
Carol Stream, IL 60197-5014

SN Servicing Corporation
323 5th Street
Eureka, CA 95501

Capital Bank N.A.
One Church Street, Suite 100
Rockville, MD 20850

Capital One
Attn: Bankruptcy
P.O. Box 30285
Salt Lake City, UT 84130

Carrington Mortgage Services
Attn: Bankruptcy
1600 South Douglass Road, Stes 110 & 200
Anaheim, CA 92806

Citibank N.A.
701 East 60th Street North
Sioux Falls, SD 57104

Credit Union of Southern California
8028 Greenleaf Ave.
Whittier, CA 90602

Dillon Thomas B DDS
11411 Brookshire Ave., Suite 406
Downey, CA 90241

Franchise Tax Board
Bankruptcy Section, MS: A-340
P.O. Box 2952
Sacramento, CA 95812-2952

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

L.A. COUNTY TREASURER&TAX COLLECTOR
ATTN: BANKRUPTCY UNIT
P.O. BOX 54110
LOS ANGELES CA 90054-0110

PRESTIGE DEFAULT SERVICES LLC
1920 OLD TUSTIN AVE
Santa Ana, CA 92705

Rushmore Loan Mgmt Services
Attn: Bankruptcy
P.O. Box 55004
Irvine, CA 92619